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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JAMES BROWN,  
 Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE  
 INSURANCE COMPANY; and DOES 1  
 through 25, inclusive,  
 Defendants.

CASE NO. C07-02743 PJH

**JOINT STATUS REPORT**

**Date:** November 8, 2007  
**Time:** 2:30 p.m.  
**Ctrlm.:** 3

The parties to the above-entitled action respectfully submit their Joint Status Report to update the Court regarding the status of the underlying motorcycle theft claim that gave rise to the instant lawsuit.

**I.  
 STATUS OF PLAINTIFF'S UNDERLYING CLAIM**

Plaintiff James Brown attended his Examination under Oath ("EUO") on September 7, 2007. Plaintiff's testimony included the following:

- the motorcycle was purchased pursuant to a verbal agreement between friends;

- 1 • plaintiff made three cash payments toward the purchase of the motorcycle;
- 2 • plaintiff provided State Farm with the name and telephone number of the person
- 3 who sold the motorcycle on behalf of Maria Puicon to plaintiff;
- 4 • plaintiff claims he submitted registration papers to the Department of Motor
- 5 Vehicles; State Farm's counsel acknowledged the DMV returned it to him;
- 6 • Plaintiff said he would ask all third parties involved in the sale of the motorcycle to
- 7 fully cooperate with State Farm.

8 State Farm's notice of the EUO included a demand for production of documents related to  
9 plaintiff's alleged purchase of the motorcycle and modification that allegedly increased its value  
10 over the original purchase price. Plaintiff produced an appraisal report to support his claim  
11 regarding the value of the motorcycle at issue. Plaintiff did not produce any documents evidencing  
12 his ownership or purchase of the motorcycle, e.g. a receipt, purchase agreement or canceled check.  
13 Plaintiff did not produce any documents indirectly showing he owned or purchased the motorcycle  
14 or had the financial wherewithal to do so, e.g. bank statements.

15 Plaintiff was not the registered owner of the motorcycle at the time of the alleged theft. The  
16 registered owner was Maria Puicon. State Farm demanded the Examination under Oath of Ms.  
17 Puicon on three separate occasions. Ms. Puicon failed to attend her Examination under Oath on any  
18 of those occasions. She has given no indication that she intends to do so.

19 The motorcycle at issue was originally sold in "stock" condition, i.e. without special non-  
20 factory modifications. Plaintiff's claim is for a modified motorcycle. The appraisal report indicates  
21 the motorcycle was modified. State Farm is seeking the cooperation of third parties involved in the  
22 ownership history of the motorcycle to investigate plaintiff's claim that he owned the motorcycle  
23 when it was allegedly stolen and that it had been modified to the extent plaintiff claims as support  
24 of the amount of his claim.

25 Based on the information provided by plaintiff during his EUO, State Farm needs to conduct  
26 the following additional investigation activities before a claim decision can be made:

- 27 • Obtain receipts from Richmond Custom Cycles and contact the mechanic to verify
- 28 work done on the motorcycle;

- 1 • Interview employees at Richmond Custom Cycles regarding any connection with the
- 2 motorcycle appraiser, Eric Dobinson;
- 3 • Contact Mr. Dobinson and other third party witnesses identified by plaintiff during
- 4 his EUO to verify the information provided by plaintiff
- 5 • Obtain Ms. Puicon's EUO if possible.

6 State Farm currently anticipates making a decision on plaintiff's claim within the next 60  
7 days.

8 Dated: 10/30 2007

HAYES DAVIS BONINO ELLINGSON  
McLAY & SCOTT, LLP

10  
11 By 

12 STEPHEN M. HAYES  
13 STEPHEN P. ELLINGSON  
14 JAMIE A. RADACK  
Attorneys for Defendant  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

15  
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17  
18 Dated: October 30 2007

LAW OFFICES OF JOHN T. BELL

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20 By 

21 JOHN T. BELL  
22 Attorneys for Plaintiff  
23 JAMES BROWN  
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